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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,867	11/30/1999	LYLE BATE	26530.4	8271
27683	7590	04/27/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			WILLETT, STEPHAN F	
			ART UNIT	PAPER NUMBER
			2141	15

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/450,867

Applicant(s)

BATE ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18 and 23-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of a "software principal" and "principal" is unclear. Thus, it is assumed for examination purposes that rights refer to rights of the principal. Also, "the principal is terminated" is unclear.

Claim Rejections - 35 USC § 103

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 10-18, 23-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor et al. with Patent Number 6,178,510 in view of Chang et al. with Patent Number 6,157,953.
2. Regarding claim(s) 1, 11, 15, 23, 29, 35, O'Connor teaches checking user authorization in a computer network and access levels. O'Connor teaches a software type agent as a PNI, firewall or gatekeeper, col. 7, lines 8-17 interspersed with and within a plurality of computers with links, col. 6, lines 36-37 and gatekeepers/agents associated with users/computers, col. 7, lines 18-25 that access a directory service of rights as "authorization information", "algorithm of formula" of a "requesting entity", not just a user, col. 8-9, lines 67-6. O'Connor teaches rights of a principle to a resource, col. 8, lines 3-5, or as "authorization information", "algorithm of formula" of a "requesting entity", not just a user, col. 8-9, lines 67-. O'Connor teaches updating rights to access a resource, col. 8, lines 10-14. O'Connor teaches receiving a request from a software principle, col. 7, lines 65-67. O'Connor teaches retrieving rights, col. 8, lines 27-30. O'Connor teaches a first set of rights, col. 11, lines 18-21 that is acted upon by the host, not the user. O'Connor teaches second rights at a second location, col. 12, lines 8-10. O'Connor teaches enabling the principal to delegate rights to an entity as "the host acts on the user's instructions ... indicating what information the user wishes the host to retrieve", col. 11, lines 18-21, and col. 12, lines 54-56. O'Connor teaches identifying an access level for a principal, col. 9, lines 14-17 that does not require user intervention such as "performing software programs, col. 7, lines 24-25. O'Connor teaches a certificate or credential as "code indicative of which portions of the host the user [or software] may access", col. 9, lines 10-11 and this permitted access is

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done prior to allowing access, or thereafter, col. 10, lines 54-55 and taught in Chang as “before”, col. 13, lines 31. O’Connor teaches the invention in the above claim(s) except for explicitly teaching updating of user or entity’s rights. In that O’Connor operates to check requests to content servers, the artisan would have looked to the network access controlling arts for details of implementing user verifications. In that art, Chang, a related access controlling network system, teaches “a method of automating the process of registering new applications and services”, col. 5, lines 39-41 in order to provide updated rights. Chang specifically teaches that “typically an administrator will choose all the service hosts that contain services that were recently modified or added”, col. 10, lines 31-33. Further, Chang suggests “there can be many service hosts, each of which have several services available”, col. 10, lines 28-29 which will result from implementing his rights verification. The motivation to incorporate updated user’s rights insures that various software alternatives are supported for added usability. Thus, it would have been obvious to one of ordinary skill in the art to incorporate updates as taught in Chang into the rights levels described in the O’Connor patent because O’Connor operates with security levels and Chang suggests that optimization can be obtained when capabilities are added. Therefore, by the above rational, the above claim(s) are rejected.

3. Regarding claims 2, O’Connor teaches a table of principles, col. 9, lines 1-2.
4. Regarding claims 3, O’Connor teaches a table of rights and even formulas, col. 9, lines 2-5.
5. Regarding claims 4, Chang teaches a table of access to a resource, col. 14, lines 18-20.
6. Regarding claims 5-6, 12-13, 16-17, 24-25, Chang teaches a resource manager to map access to a directory of rights, col. 12, lines 53-58 and O’Connor at col. 9, lines 60-62.

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7. Regarding claims 7, 10, 14, 18, 38, Chang teaches updating of rights based on various criteria, col. 10, lines 19-23, and O'Connor teaches rights updates at scheduled times, col. 10, lines 54-58 and lifespan as "predetermined period of time", col. 12, line 23 and second requests based on further permissions as "more information that is currently required", col. 8, lines 6-8.
8. Regarding claims 26, 28, 37, O'Connor teaches equal or less level of rights or plurality of permissions or rights, col. 9, lines 7-13.
9. Regarding claims 27, 30-31, O'Connor teaches allocating authority for a limited lifespan, col. 10, lines 54-67 as the numerous conditions that would terminate the user's rights which would also terminate the second software's rights.
10. Regarding claims 32, O'Connor teaches determining if a deputy or software exists and creating or downloading software if it does not exist, col. 7, lines 56-60.
11. Regarding claims 33, the O'Connor and Chang patents disclose the method of the preceding claims. The O'Connor and Chang patents do not explicitly disclose a restriction such as a specific start time. However, Official Notice is taken MPEP 2144.03 (a)) that scheduling software access with start times is well known in the art to insure resource demand is managed. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to assign a start time obtain the advantages of flexible computing. By the above rational, the claim is rejected.
12. Regarding claims 36, Change teaches a namespace as "names of files", col. 5, lines 24 with limited accessed as taught above.

Response to Amendment

13. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

14. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited portions of the references and relevant portions of the reference.

15. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

16. Applicant suggests "deputizing the principal to enable the principal to delegate the rights to at least one software entity", Paper No. 10, Page 8, lines 18-19 is not taught, but "the host acts on the user's instructions", however, "it does not describe delegation of rights", Paper No. 14, Page 10, lines 15-16. However, O'Connor teaches enabling the principal to delegate rights or act based on those rights to an "entity", col. 8, lines 18-26, and col. 11, lines 10-17, col. 12, lines 23-28, 46-48, 54-55 and at Chang, col. 6, lines 52-57. This limitation simply requires a user or a piece of software to authorize a second piece of software to utilize or act on the rights afforded to the user or the previous piece of software on behalf of the user and naturally the second software can only perform actions that are allowed based on the rights granted or delegated to the second or third or fourth piece of software since there are numerous pieces, i.e. JAVA, of software working together. The second piece of software is delegated rights automatically based on the first software's rights or rights given to the second piece of software, col. 12, lines 24-25 of O'Connor. Also, in an effort to further prosecution the "software principle" can be a user. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Arnold reference with Patent Number US2002/0016790 or Rosenow reference with Patent Number 5,483,596 or Gong reference with Patent Number 6,047,377 are suggested since rights in object code are prevalent. The other references cited teach numerous other ways to perform delegation of rights between software entities, thus a close review of them is suggested.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

3. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

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5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

April 21, 2004


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER